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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD ORMEDO OCHOA-ESCOTO,  
a/k/a Ronald Olmedo Ochoa-Escoto,

Defendant.

Criminal No. 3-10-70011 MEJ

  
~~PROPOSED~~ ORDER AND  
STIPULATION EXCLUDING TIME  
FROM FEBRUARY 9, 2010, TO  
FEBRUARY 23, 2010

The parties appeared before the Honorable Maria-Elena James on February 9, 2010.

With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to a waiver of time for indictment under Federal Rule of Criminal Procedure 5.1(d) and to an exclusion of time for indictment under the Speedy Trial Act, 18 U.S.C. § 3161(b), from February 9, 2010 to February 23, 2010, in light of the need for the defendant to consider a pre-indictment plea offer. The parties are also attempting to obtain a record of conviction that will allow the defendant to meaningfully consider the pre-indictment offer. Failure to grant the requested Speedy Trial continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of

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1 due diligence and the need for counsel to obtain and review the discovery, specifically the record  
2 of conviction, with the defendant.

3 2. Given these circumstances, the Court found that the ends of justice served by  
4 excluding the period from February 9, 2010 to February 23, 2010 outweigh the best interest of  
5 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6 3. Also given these circumstances, the Court found that good cause exists under Federal  
7 Rule of Criminal Procedure 5.1(d) to extend the time limit for indictment.

8 4. Accordingly, and with the consent of the defendant, the Court ordered that the period  
9 from February 9, 2010, to February 23, 2010, be excluded from Speedy Trial Act calculations  
10 under 18 U.S.C. § 3161(b), (h)(7)(A), and (B)(iv) and that good cause exists to excuse the time  
11 limitations for indictment under Federal Rule of Criminal Procedure 5.1(c) and (d).

12 IT IS SO STIPULATED.

13  
14 DATED: February 9, 2010

15 /s/  
ELIZABETH FALK  
Counsel for Ronald Ochoa-Escoto

16  
17 DATED: February 9, 2010

18 /s/  
DARYL T. EREMIN  
Special Assistant United States Attorney

19  
20 IT IS SO ORDERED.

21  
22 DATED: 2-11-10

23   
THE HON. MARIA-ELENA JAMES  
United States Magistrate Judge

24  
25  
26  
27  
28 STIPULATION AND [PROPOSED] ORDER  
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